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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,595	06/27/2000	Paul A. Underbrink	ST97001CI2 (209-US-CIP2)	5340
34408 7590 05/27/2008 THE ECLIPSE GROUP 10605 BALBOA BLVD., SUITE 300 GRANADA HILLS, CA 91344			EXAMINER ODOM, CURTIS B	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 05/27/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/604,595	Applicant(s) UNDERBRINK ET AL.	
	Examiner CURTIS B. ODOM	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,16,18,20-22,25,26,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,6,16,18 and 20 is/are allowed.
- 6) ☒ Claim(s) 21,22,25,26,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21, 22, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Davidovici et al. (U. S. Patent No. 6, 130, 906).

Regarding claim 21, Davidovici et al. discloses a system (Fig. 1) for despreding a spread spectrum signal using a PN code represented by replica code chips (see column 2, lines 24-30), wherein the spread spectrum signal comprises a plurality of signal sample pairs (output by blocks 119 and 319), each pair comprising an even signal sample and an odd signal sample (as shown by blocks 122, 222, 322, and 422), each signal sample having an in-phase portion and a quadrature-phase portion (see column 6, lines 35-46), and wherein the PN code comprises a plurality of replica chip sequence signals (see column 2, lines 24-30), the system comprising:

a first switch (block 51) for selecting one of the in-phase portion and the quadrature-phase portion;

a second switch (blocks 123 and 323) coupled to the first switch for selecting one of the even sample and the odd sample; and

a first multiplier (block 41, column 6, lines 35-46) coupled to the second switch for multiplying the selected portion of the selected sample of one of the plurality of signal sample pairs with one of the plurality of PN code chips (replica chip signals) to obtain a first product.

Regarding claim 22, Davidovici et al. discloses a second multiplier (block 41) coupled to the second switch for multiplying the selected portion of the selected sample of a second of the plurality of signal sample pairs with a second of the plurality of PN code chips to obtain a second product (wherein the plurality of selected samples is successively multiplied with the plurality of replica (PN) code chips as described in column 6, lines 35-46), wherein the second of the plurality of signal sample pairs succeeds the one of the plurality of signal sample pairs, and the second of the plurality of PN code chips succeeds the one of the plurality of PN code chips (see column 7, lines 11-18); and an adder (block 42) coupled to the first multiplier and the second multiplier for adding the first product with the second product to obtain a first sum.

Regarding claims 25 and 26, the claimed method includes subject matter corresponding to the above rejection of claims 21 and 22, which is applicable hereto.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidovici et al. (U. S. Patent No. 6, 130, 906).

Regarding claims 33 and 34, Davidovici et al. discloses all the limitations of claims 33 and 34 (see rejections of claims 21 and 22) except the system implemented as computer readable media. However, it would have been obvious to one skilled in the art at the time the invention was made to implement the system of Davidovici et al. as a computer readable media to perform the same function of the hardware for less expense, greater adaptability, and greater flexibility.

Allowable Subject Matter

5. Claims 1, 6, 16, 18, and 20 are allowable over prior art references because the selection of the in-phase and quadrature portion takes place before the selection of the even and odd sample, and the selected portions are multiplied by the same PN code chip.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CURTIS B. ODOM whose telephone number is (571)272-3046. The examiner can normally be reached on Monday- Friday, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Curtis B. Odom/
Primary Examiner, Art Unit 2611
May 22, 2008